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8			
9	UNITED STATES DISTRICT COURT		
10	NORTHERN DISTRICT OF CALIFORNIA		
11	SAN FRANCISCO DIVISION		
12			
13	AMBER KRISTI MARSH and STACIE EVANS, individually and on behalf of a class of similarly situated	CASE NO. 3:11-cv-05226-RS	
	persons,	STIPULATION AND [PROPOSED] ORDER TO SET	
14	Plaintiffs,	TIME OF FIRST BANK OF DELAWARE TO RESPOND	
15	v.	TO SECOND AMENDED	
16	ZAAZOOM SOLUTIONS, LLC, a Delaware Limited	COMPLAINT	
17	Liability Company, <b>ZAZA PAY LLC</b> , a Delaware Limited Liability Company dba Discount Web Member		
18	Sites, LLC, Unlimited Local Savings, LLC, Web Discount Club, Web Credit Rpt. Co., MegaOnlineClub,		
19	LLC, and RaiseMoneyForAnything; MULTIECOM,		
20	LLC, a Colorado Limited Liability Company dba Online Discount Membership, Web Discount Company, and		
21	Liberty Discount Club; <b>ONLINE RESOURCE CENTER, LLC</b> , a Delaware Limited Liability Company		
	dba Web Coupon Site, USave Coupon, and UClip; MOE  TASSOUDJI, an individual, BILL CUEVAS, an		
22	individual, FIRST BANK OF DELAWARE, a Delaware Corporation, FIRST NATIONAL BANK OF		
23	CENTRAL TEXAS, a Texas Corporation; SUNFIRST		
24	BANK, a Utah Corporation; JACK HENRY & ASSOCIATES, INC., a Delaware Corporation dba		
25	ProfitStars; AUTOMATED ELECTRONIC CHECKING, INC., a Nevada Corporation; DATA		
26	<b>PROCESSING SYSTEMS, LLC</b> , a Delaware Limited Liability Company and DOES 1-10, inclusive,		
27			
	Defendants.		

DLA PIPER LLP (US)

SAN FRANCISCO

#### STIPULATION AND [PROPOSED] ORDER

# TO THIS HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

It is hereby stipulated, by and between plaintiffs Amber Kristi Marsh and Stacie Evans ("Plaintiffs") and defendant First Bank of Delaware, by and through their respective attorneys of record, that, subject to the approval of this Court, the time of First Bank of Delaware to respond to the Second Amended Complaint is extended to and includes December 9, 2011. This Stipulation is based upon the facts:

- This case previously was pending in the Superior Court of California, County of San Francisco. During that time, defendant First Bank of Delaware was served with the Second Amended Complaint on September 26, 2011.
  - 2. This case was removed to this Court on October 26, 2011 by another defendant.
- 3. Due to inadvertent clerical oversight and the inadvertent failure of internal procedures for docketing the service of a summons and complaint, First Bank of Delaware did not docket this case when it was served. The service of the summons and complaint and the existence of the Second Amended Complaint was not known to senior management of First Bank of Delaware until November 9, 2011.
- 5. Subject to the approval of this Court, Plaintiffs and First Bank of Delaware agree that First Bank of Delaware may have an extension of time, to and including December 9, 2011, within which to respond to Plaintiffs' Second Amended Complaint.
- 6. Defendant First Bank of Delaware reserves its right to assert any and all defenses to Plaintiffs' Second Amended Complaint in its response thereto, including but not limited to objections to jurisdiction, and the filing of this Stipulation is without prejudice to the right to assert any and all such defenses.

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1	Dated: November 18, 2011	DLA PIPER LLP (US)	
2		By: /s/ Paul J. Hall	
3		PAUL J. HALL Attorneys for Defendant	
4		FIRST BANK OF DELAWARE	
5	Dated: November 18, 2011	KROENENBERGER ROSENFELD LLP	
6		By: /s/ Jeffrey M. Rosenfeld	
7		JEFFREY M. ROSENFELD KARL S. KRONENBERGER	
8		Attorneys for Plaintiffs AMBER KRISTI MARSH and STACIE	
9		EVANS	
10			
11			
12	I, Paul J. Hall, am the ECF user whose ID and password are being used to file this		
13	STIPULATION AND [PROPOSED] ORDER TO SET TIME OF FIRST BANK OF		
14	DELAWARE TO RESPOND TO SECOND AMENDED COMPLAINT. In compliance with		
15	General Order 45, X.B., I hereby attest that Jeffrey M. Rosenfeld has concurred in this filing.		
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o (US)	WEST\225399550.1	TIP AND [PROPOSED] ORDER RE FIRST BANK OF DELAWARE TO RESPOND TO SECOND AMENDED COMPLAINT [CASE NO. 3:11-CV-05226-RS]	

DLA PIPER LLP (US) SAN FRANCISCO

STIP AND [PROPOSED] ORDER RE FIRST BANK OF DELAWARE TO RESPOND TO SECOND AMENDED COMPLAINT [CASE NO. 3:11-CV-05226-RS]

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## [PROPOSED] ORDER Based on the foregoing stipulation of the Plaintiffs and Defendant First Bank of Delaware, and good cause appearing therefor, IT IS HEREBY ORDERED that Defendant First Bank of Delaware shall have an extension of time, to and including December 9, 2011, within which to respond to the Second Amended Complaint. Dated: November\_\_\_, 2011. Honorable Richard Seeborg United States District Judge WEST\225399550.1

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STIP AND [PROPOSED] ORDER RE FIRST BANK OF DELAWARE TO RESPOND TO SECOND AMENDED COMPLAINT [CASE NO. 3:11-CV-05226-RS]